

REMARKS

Claims 1, 2 and 15 were rejected as being unpatentable over Randall.

Claims 6-14 were rejected as being unpatentable over Randall in view of Official Notice.

Claims 16-18 were rejected as being unpatentable over Randall in view of Gibbs.

Claim 21 was rejected as being anticipated by Randall.

It is true that Randall (as Examiner has indicated) discloses a ball similar to the one employed in the present invention for use in games such as baseball and mentions that a rubber ball can be used, that the thrower can release the projectile in such a manner to produce variations from normal flight to baffle the batter, and that a stick not over one inch in diameter can be used.

It is also true, as stated in Official Notice by the Examiner, it is known "to pitch the ball in a variety of pitches in order to make the game more interesting and increasingly more difficult".

But the present invention goes beyond any of the above. There is no suggestion in Randall or in any of the other art of record of using such a ball to teach a batter how to respond to specific types of pitches used in baseball, ie, a knuckleball, a screwball, etc. Even with the teachings of Gibbs, which has an instructional chart for golf and is cited for the idea of using an instructional chart to pitch in the game of baseball, there is no suggestion for the foregoing.

The present proposed amendment, which would amend claim 1 and cancel all the other claims, is designed to narrow the invention to clearly avoid what is found in the art. Since limitations in the depending claims are being inserted into claim 1, no new issues are presented. But when all of these limitations are found in a single claim it is readily seen how such a claim does distinguish over what is taught in the art. The idea of having a pitcher use such a ball to throw these standard pitches used in baseball to improve the batter's batting skills comes only from the teachings of this application, and not from anything in the art. In Randall, there is no mention or suggestion of trying to duplicate these standard pitches used in baseball. In fact, the patentee has a new game altogether and states (in the first few paragraphs of the patent) that the "general object of the invention is the provision of a novel and improved projectile of this class which is durable and safe, especially for younger children. And is capable of being thrown in such a manner as to give it a stable, gliding flight" and "adapted for play in relatively confined areas or restricted grounds" (underlining added for emphasis). This is the antithesis of what this invention is all about which is to improve the game of baseball which does not have the restrictions on space and youth described in the Randall patent.

It is urged that the proposed amendment of claim 1 would clearly distinguish patentably over the art of record and should be allowed.

In view of the foregoing, it is requested that the amendment be entered and the application be passed to issue.

The Examiner should call the undersigned or Mr. Kroll if changes are required to obtain allowance of the application.

A favorable action is solicited.

Respectfully submitted,



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